

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, JULY 18, 2005
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Assistant City Clerk Joyce Lane at 2:05 p.m. A motion was made by Council Member Madaffer to create a Mayor Pro Tem position for the meetings of today, July 18, 2005, and tomorrow, July 19, 2005. Second by Council Member Frye. Passed by the following vote: Yeas-1, 3, 4, 5, 6, 7. Not present-2, 8. Vacant-Mayor. Council Member Madaffer made a motion to appoint Council Member Atkins as Mayor Pro Tem. Second by Council Member Frye. Passed by the following vote: Yeas-1, 3, 4, 5, 6, 7. Not present 2, 8. Vacant-Mayor.

At the request of Mayor Pro Tem Atkins, City Attorney Aguirre gave an overview of what the verdicts against Council Members Zucchet and Inzunza would mean specifically as it relates to the City conducting business.

Mayor Pro Tem Atkins recessed the meeting at 2:53 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor-vacant
- (1) Council Member Peters-present
- (2) Council Member Zucchet-not present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-not present
- Clerk-Abdelnour (er)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Assistant Clerk Lane called the roll:

- (M) Mayor-vacant
- (1) Council Member Peters-present
- (2) Council Member Zucchet-not present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-not present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Assistant Clerk Lane.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Peters.

FILE LOCATION: MINUTES

ITEM-30: Rancho Bernardo High School Softball Team CIF Champions Day.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-26) CONTINUED TO MONDAY, JULY 25, 2005

Proclaiming July 18, 2005, to be "Rancho Bernardo High School Softball Team CIF Champions Day" in the City of San Diego in recognition of their victory in the CIF softball championship.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:14 p.m. – 2:15 p.m.)

MOTION BY MAIENSCHIN TO CONTINUE TO JULY 25, 2005. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor-vacant.

ITEM-31: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

05/02/2005
05/31/2005 – Special Meeting
06/06/2005
06/07/2005
06/13/2005
06/14/2005

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:14 p.m. – 2:14 p.m.)

MOTION BY MADAFFER TO APPROVE. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor-vacant.

CLOSED SESSION ITEMS:

Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):

CS-1 *Sierra Club v. California Coastal Commission and City of San Diego*
San Diego Superior Court No. GIC844081

REFERRED TO CLOSED SESSION OF TUESDAY, JULY 19, 2005

DCA assigned: D. Smith

This case involves a writ of mandate challenging the California Coastal Commission's January 12, 2005, approval of the City's application for a vested rights determination for the designation of a swim-only area, and the placement of buoys in the ocean adjacent to the kayak boat launch and La Jolla Beach and Tennis Club at La Jolla Shores beach. In closed session, the City Attorney will update the City Council on the status of the litigation and seek direction on Petitioner's most recent offer to settle the case.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:31 p.m. – 2:32 p.m.)

Mayor Pro Tem Atkins closed the hearing.

CS-2 *Shan L. McDonald V. City Of San Diego, et al.*

United States District Court Southern District of California
Case No. 04-CV-2265 IDG (RBB)

REFERRED TO CLOSED SESSION OF TUESDAY, JULY 19, 2005

DCA assigned: A. Jones

This matter involves an action seeking remedy in federal court to enjoin all future elections which allow write-in candidates in violation of the City Charter. In closed session, the City Attorney will recommend to the Council the reconciliation of the San Diego Municipal Code sections that Allow Write-in Candidates with the San Diego City Charter that Prohibits Write-in Candidates.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:32 p.m. – 2:32 p.m.)

Mayor Pro Tem Atkins closed the hearing.

**CS-3 *San Diego City Employees' Retirement System v. San Diego City Attorney, et al.
and related Cross-Action***

San Diego Superior Court No. GIC841845

REFERRED TO CLOSED SESSION OF TUESDAY, JULY 19, 2005

ACA assigned: D. McGrath

This matter is an action filed by the retirement system covering a variety of issues. The matter was stayed pending activity of the City's Audit Committee, but the stay recently expired. The City Attorney filed (but did not serve) a cross-complaint raising a variety of issues and will brief the City Council on the status of the matter in closed session, and request appropriate direction.

Closed Session Comment 1:

Lisa Briggs urged Council to consider seeking a court-appointed receiver for the City's Retirement System (SDCERS).

Closed Session Comment 2:

April Boling also urged Council to request a court-appointed receiver for the City's Retirement System (SDCERS) and in parallel to the receiver issue that the Council should continue to work with the SDCERS Board, to get the answers they are asking for, and move the process along.

Closed Session Comment 3:

Ann Smith commented on behalf of MEA regarding the litigation that has been filed by the City Attorney against the City Employee's Retirement System.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:32 p.m. – 2:48 p.m.)

Mayor Pro Tem Atkins closed the hearing.

CS-4 *William J. McGuigan v. City of San Diego, et al.*
San Diego Superior Court Case No. GIC849883.

REFERRED TO CLOSED SESSION ON TUESDAY, JULY 19, 2005

ACA assigned: D. McGrath

This lawsuit was filed on behalf of a retired City employee against the City of San Diego requesting that the Court order the City to immediately pay all past unfunded pension liability to the retirement system. In closed session, the City Attorney will brief the City Council on the matter and request appropriate direction.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:48 p.m. – 2:48 p.m.)

Mayor Pro Tem Atkins closed the hearing.

**Conference with Legal Counsel - anticipated litigation - initiation of litigation,
pursuant to California Government Code section 54956.9(c):**

CS-5 Number of Cases: One or more

REFERRED TO CLOSED SESSION ON TUESDAY, JULY 19, 2005

ACA assigned: D. McGrath

These matters involve potential action against a variety of individuals or entities for the recovery of money. In closed session, the City Attorney will brief the City Council on the prospects for recovery and request appropriate direction.

Closed Session Comment 1:

Bill Nemec, President of the Police Officer's Association, requested that any discussion involving the matter of asking the City Council to take the retirement system into receivership be held in a public forum so that the citizens and City employees can participate.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:48 p.m. – 2:51 p.m.)

Mayor Pro Tem Atkins closed the hearing.

- * ITEM-50: Joint Use Agreement with San Ysidro School District (SYSD) for Construction, Operation, Maintenance, and Use of Turf Fields, Radial Drive, School Parking, and Accessible Routes at Ocean View Hills Middle School.

(Otay Mesa Community Area. District 8.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 6/20/2005, Item 60, Subitem A.
(Council voted 9-0):

(O-2005-43) ADOPTED AS ORDINANCE O-19394 (New Series)

Authorizing the City Manager to execute an agreement with the San Ysidro School District (SYSD) for the Construction, Operation, Maintenance, and Use of Turf Fields, Radial Drive, School Parking, and Accessible Routes at Ocean View Hills Middle School (Agreement).

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:25 p.m.)

CONSENT MOTION BY PETERS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor-vacant.

* ITEM-51: Auburn Park Rezone, located on the Southwest Corner of University Avenue and 52nd Street, in the City Heights Community.

(City Heights Community of the Mid-City Communities Plan Area. District 7.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 6/21/2005, Item 334, Subitem C. (Council voted 7-0. Councilmembers Zucchet and Inzunza not present):

(O-2005-142) ADOPTED AS ORDINANCE O-19395 (New Series)

Changing 2.8 acres, located on the southwest corner of University Avenue and 52nd Street, in the City Heights Community of the Mid-City Communities Plan Area, in the City of San Diego, California, from the CC-5-4 Zone into the RM-2-5 Zone (previously referred to as the R-1500 Zone), as defined by San Diego Municipal Code Section 131.0406.

FILE LOCATION: LUP-Auburn Park, 6/21/05 (65)

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:25 p.m.)

CONSENT MOTION BY PETERS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor-vacant.

- * ITEM-100: Award of Contract to Konica Minolta Business Services, San Diego, California to Furnish the City of San Diego with Rental Convenience Copiers, Request for Proposal 6681-04-T-RFP.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-7) ADOPTED AS RESOLUTION R-300650

Awarding the contract to the vendor determined to be responsible providing best overall value to the City, Konica Minolta Business Services, San Diego, California to provide rental convenience copiers, Request for Proposal No. 6681-04-T-RFP, as may be required for a period of three (3) years beginning July 1, 2005 through June 30, 2008, for an estimated cost of \$2,705,957.64 (no tax, terms Net thirty days; with options to renew the contract for two (2) additional one (1) year periods; with price increases not to exceed the average percentage variant for the previous twelve (12) months in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for the San Diego area as published by the Bureau of Labor Statistics, or 5%, whichever is less, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the estimated Fiscal Year 2006 expenditure of an amount not to exceed \$901,985.88 solely and exclusively for providing funds for said contract;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves;

Declaring that this activity is not subject to the California Environmental Quality Act as provided in Guidelines Section 15060(c)(3) because the purchase is a continuing administrative or maintenance activity, and therefore not a project pursuant to Guidelines Section 15378(b)(2).

CITY MANAGER SUPPORTING INFORMATION:

City Council approval is requested to award a contract to provide rental convenience copiers required by the Publishing Services Division, approximately 441 copiers per Request for Proposal No. 6681-04-T-RFP.

City Council approval is required to award a contract to Konica Minolta Business Solutions, San Diego, CA, for the purpose of providing rental convenience copiers, Request for Proposal No. 6681-04-T-RFP, as may be required for a period of three (3) years beginning July 1, 2005 through June 30, 2008 for an estimated cost of \$2,705,957.64 (no tax), terms Net thirty days; with options to renew the contract for two (2) additional one (1) year periods; with price increases not to exceed the average percentage variant for the previous twelve (12) months in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for the San Diego area as published by the Bureau of Labor Statistics, or 5%, whichever is less, is hereby awarded.

This contract will replace an existing contract, which has no more options remaining. Twelve (12) potential proposers were contacted and six (6) proposals were received per the tabulation. Award is recommended to the vendor determined to be responsible providing overall best value to the City, Konica Minolta Business Solutions, San Diego, CA.

FISCAL IMPACT:

FY 2006 Estimated Cost (July 1, 2005 through June 30, 2006):	\$901,985.88
FY 2007 Estimated Cost (July 1, 2006 through June 30, 2007):	\$901,985.88
FY 2008 Estimated Cost (July 1, 2007 through June 30, 2008):	\$901,985.88

Irvine/Yoke

Staff: Tammy Rimes – (619) 236-6214
Tim Miller – Deputy City Attorney

FILE LOCATION: PURCHASE

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:25 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor-vacant.

- * ITEM-101: Inviting Bids for the General Requirements Contract–C27, Landscape and Habitat Maintenance.

(See memorandum from Scott Tulloch dated 7/7/2005.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2005-921) TRAILED TO TUESDAY, JULY 19, 2005

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental for General Requirements Contract C-27, Landscape and Habitat Maintenance, on Work Order No. 002008;

Authorizing the City Manager to execute a contract with the lowest responsible and reliable bidder for as needed landscape and habitat maintenance services for a minimum of \$50,000 and not to exceed \$1,000,000 for one year;

Authorizing the expenditure of an amount not to exceed \$1,000,000 in total from Fund 41506, solely and exclusively, for the purpose of funding the General Requirements Contract C-27, Landscape and Habitat Maintenance, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K05110)

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego has been entering into General Requirements Contracts (GRC) for almost 10 years. The GRC contracts were formerly referred to as Job Order Contracts or "JOC" Contracts. The primary objective for having GRC Contracts, is to provide quick turnaround and to execute emergency maintenance, repair, and general construction activities. MWWD has historically issued four types of GRCs: General Engineering, Building Modifications, Electrical Systems, and Mechanical Systems.

MWWD would like to issue a new contract under the GRC Contract format/process which would include Landscape and Habitat Maintenance activities as a result of our extensive, ongoing canyon maintenance program. This contract will provide landscape maintenance, construction, repairs, installation, irrigation, and erosion control; collect native seeds as-needed; procure and apply appropriate herbicides and pesticides as necessary; repair or restore native habitat and assume maintenance activities of existing City projects. This work may require grading, excavation, weeding, disposal or recycling of greenery, refuse removal and disposal, hydro-seeding, various forms of fencing, signage, and other miscellaneous tasks. This work will be assigned based on the type of work, location, and necessity. This action is for the approval to advertise and award General Requirements Contract - C27 Landscape/ Habitat Maintenance, in an amount not to exceed \$1,000,000.

Each GRC is competitively procured. The contractor bids a factor or a multiplier which applies to all prices in a predetermined unit price book which is part of the contract documents. The contractor with the lowest factor and responsible bid is awarded the contract. The City is under no obligation to pay the contractor for more than a \$50,000 minimum contract obligation. Therefore, the contractor has an incentive to deliver quality work in a timely manner in order to get additional work and task orders. The specific tasks to be executed under this contract have not yet been identified. All task orders are issued as needed and are executed in accordance with the California "Subletting and Subcontracting Fair Practices Act" (Public Contract Code Section 4100 et seq). Under this contracting system, a contractor that conducts or participates in bid shopping or bid peddling shall not receive any additional task orders under this contract, and such conduct shall be grounds for default by the City. The continuation of the GRC will enable MWWD to achieve its objective of rapidly engaging contractors in critical and necessary work while lowering cost and meeting on-going regulatory requirements.

FISCAL IMPACT:

Funds in the amount of \$1,000,000 for this contract are available from Fund No. 41506 in Fiscal Year 2006.

Mendes/Tulloch/BW

Staff: Ann Sasaki – (858) 292-6469
Thomas C. Zeleny – Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:25 p.m.)

CONSENT MOTION BY PETERS TO TRAIL TO TUESDAY, JULY 19, 2005.
Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-not present,
Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present,
Mayor-vacant.

* ITEM-102: Underground Storage Tanks Removals and Above Storage Tanks Install Phase 26
at Barrett Lake and El Capitan Lake Reservoirs.

(Barrett and El Capitan Reservoirs are located outside the established Council
District boundaries.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1390) ADOPTED AS RESOLUTION R-300651

Authorizing in accordance with the Fiscal Year 2005 annual appropriation ordinance, the City Auditor and Comptroller to increase the Capital Improvement Program budget to increase CIP-33-084.0, Underground Hazardous Materials Storage Tanks, in Special Fund No. 10524, Water Contributions to CIP, by the amount of \$93,560;

Authorizing the City Auditor and Comptroller to transfer the amount of \$93,560 from Fund No. 41500, Water Utility Operation Fund, to Special Fund No. 10524, Water Contributions to CIP;

Authorizing the City Auditor and Comptroller to appropriate and expend the amount of \$93,560 from Special Fund No. 10524, Water Contributions to CIP-33-084.0, Underground Hazardous Materials Storage Tanks, solely and exclusively to provide funds for removing the underground storage tanks at Barrett Lake and El Capitan Lake Reservoirs and installing an aboveground storage tank at Barrett Lake Reservoir, Phase 26;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves upon advice of the administering department.

CITY MANAGER SUPPORTING INFORMATION:

Underground Storage Tank (UST) regulations have become increasingly more complex in recent years resulting in increased costs for ensuring operational compliance. In assessing the ongoing operational and maintenance costs related to the USTs at Barrett Lake and El Capitan Lake Reservoirs, the Water Department concluded that it was no longer cost effective to own and operate these USTs. The UST at El Capitan Reservoir will be removed and will not be replaced because they have made alternative arrangements for fueling needs.

Since the Water Department does have an ongoing need for fueling operations at the Barrett Lake Reservoir due to its remote location, it is being recommended that an Aboveground Storage Tank (AST) be installed. The benefits are that ASTs are significantly less costly to operate and maintain, and the removal of the USTs will significantly increase the protection of our drinking water resources from potential contamination caused by leaking USTs.

This action provides for the transfer of funds from Water Fund 41500 to the CIP Fund 30244 to complete the UST removal and AST install project.

Funds are to be transferred in the amount of \$93,560 from Fund 41500, Water Utility Operating Fund to CIP-33-084.0, Underground Hazardous Materials Storage Tank Fund 30244. Funds will then be expended from CIP-33-084.0 in an amount not to exceed \$93,560.

Mendes/Heap/CF

Aud. Cert. 2501123.

Staff: Craig Fergusson – (858) 627-3311
Grace C. Lowenberg – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:25 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor-vacant.

* ITEM-103: Additional 911 Customer Premise Equipment (CPE) Funding Allotment.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1326 Cor. Copy) ADOPTED AS RESOLUTION R-300652

Authorizing the City Manager to accept the 911 Customer Premise Equipment (CPE) system upgrades and execute any document or agreements necessary to complete the upgrades.

CITY MANAGER SUPPORTING INFORMATION:

On November 3, 2003, the City Council approved acceptance of \$777,715 in State 9-1-1 CPE funds for the upgrade of the San Diego Police Department 9-1-1 System (Resolution R-298538). The City Manager accepted an additional funding allotment on behalf of the City Council on February 26, 2004 (C-12569). This action brought the project total allocation to \$815,602.14.

San Diego Police Department Communications Division has been approved for an additional funding allotment from the State of California Department of General Services for Customer Premise Equipment (CPE) upgrades. This funding became available January 30, 2004 in the amount of \$816,397.90.

REQUESTED ACTION: This action authorizes the City Manager to request the State funds be released to the selected vendor(s) as needed to upgrade the San Diego Police Department 9-1-1 Center, and authorizes the City Manager to execute any documentation or agreements necessary to complete the transaction.

FISCAL IMPACT:

Accepting these funds will have a positive impact on the City as all anticipated purchases are necessary and required and would otherwise need to be purchased using City funds. The largest portion of these funds, in the amount of \$760,913.64, will be paid directly from the State of California to the selected vendor(s). The City will be required, however, to make an initial expenditure of \$55,484.26, which will be reimbursed upon submittal of proof of payment and claim form (TD290) to the State of California.

Ewell/Lansdowne

Aud. Cert. 2501028.

Staff: Karen Butler – (619) 531-2365
David M. Stotland – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:25 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor-vacant.

* ITEM-104: Two actions related to Presidio Park Restroom/Picnic Area/Parking Lot Improvements Project.

(Old San Diego Community Area. District 2.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2005-1313) ADOPTED AS RESOLUTION R-300653

Amending the Fiscal Year 2006 Capital Improvement Program Budget by increasing the budget amount by \$10,000 in CIP-29-845.0, Presidio Park Restroom/Picnic Area/Parking Lot Improvements, Fund No. 11570, Park Service District Fees;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$10,000 from CIP-29-845.0, Presidio Park Restroom/Picnic Area/Parking Lot Improvements Fund No. 11570, Park Service District Fees, to supplement funding previously authorized to cover additional costs to complete construction of Presidio Park Restroom/Picnic Area/Parking Lot Improvements;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer funds, if any, to the appropriate reserves.

Subitem-B: (R-2005-1314) ADOPTED AS RESOLUTION R-300654

Stating for the record that a \$10,000 increase of funds in the Fiscal Year 2006 Capital Improvement Budget is subsequent discretionary approval of the Project addressed in Mitigated Negative Declaration (MND) and therefore not a separate project under CEQA Guideline Sections 15060(c)(3) and 15378(c);

Stating for the record that the information contained in the final Mitigated Negative Declaration, including any comments received during the public review process, has been previously reviewed and considered by the City Manager and it is determined that his subsequent discretionary approval of \$10,000 increase of funds in the Fiscal Year 2006 Capital Improvement Program Budget does not involve change in circumstances, project changes, or new information of substantial importance which would warrant any additional environmental review.

CITY MANAGER SUPPORTING INFORMATION:

Presidio Park Restroom facility is at the base of the Palm Canyon area of Presidio Park and bound by Taylor Street and Interstate 8 to the north within the Old San Diego Community Area in District 2. The improvement includes the construction of a new restroom, picnic area with two new picnic tables barbecue and parking lot area with ADA-compliant path of travel to the restroom.

On October 6, 2004, Fordyce Construction was awarded as the low bidder and commenced construction on November 12, 2004. During construction of the project unforeseen conditions were encountered that resulted in additional costs. This request will increase funds to supplement financing previously authorized to construct the project and to cover additional costs to complete the project.

FISCAL IMPACT:

The total estimated cost for this project is \$628,625 of which \$618,625 has been previously authorized. The additional funds, in the amount of \$10,000 are available in Fund No. 11570, Park Service District Fees.

Herring/Medina/AP

Aud. Cert. 2600005.

Staff: April Pendera – (619) 525-8223
Shannon M. Thomas – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:25 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor-vacant.

* ITEM-105: State Funded Geographic Information System (GIS) Funding for E-9-1-1.

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1325 Cor. Copy) ADOPTED AS RESOLUTION R-300655

Authorizing the City Manager to accept these upgrades to the GIS software and equipment;

Authorizing the City Manager to execute any documents or agreements necessary to complete the upgrade.

CITY MANAGER SUPPORTING INFORMATION:

San Diego Police Communications has been approved for a one time funding allotment from the State of California Department of General Services for Geographic Information Systems (GIS) software and equipment. This special funding is for the purchase of software, hardware and services necessary to provide the 9-1-1 call taker with GIS mapping for the display of wireless Phase II latitude and longitude of the person that has dialed 9-1-1. The maximum funding allotted for GIS expenditures is \$540,000.

REQUESTED ACTION: This action authorizes the City Manager to request the State funds be released to the selected vendor(s) as needed, to upgrade the San Diego Police Department 9-1-1 Center.

FISCAL IMPACT:

Accepting these funds will have no fiscal impact on the City of San Diego as City funds will not be used. Refusal, however, to accept these GIS funds would mean the City would be responsible to provide all necessary funds for the Federally mandated mapping (FCC Order 94-102). All funds paid by the State of California will go directly to the selected vendor(s), not the City, to perform the necessary upgrades.

Ewell/Lansdowne

Staff: Karen Butler – (619) 531-2365
David M. Stotland – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:25 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor-vacant.

- * ITEM-106: Two actions related to Third Amendment to Consultant Agreement with Schmidt Design Group for Professional Services for the Camino Ruiz Neighborhood Park.

(Mira Mesa Community Area. District 5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2005-1311) ADOPTED AS RESOLUTION R-300656

Authorizing the City Manager to execute, a Third Amendment to Agreement (Agreement) with Schmidt Design Group, for professional services required for the Camino Ruiz Neighborhood Park (Project), bringing the total project cost to \$505,943.68, under the terms and conditions set forth in the Agreement;

Authorizing the appropriation and expenditure of an amount not to exceed \$20,086 from CIP-29-756.0, Camino Ruiz Neighborhood Park, Fund No. 30244, for the purpose of providing funds for the above project, provided that the City Auditor and Comptroller first furnishes a certificate certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to return excess budgeted funds to the appropriate reserve.

Subitem-B: (R-2005-1312) ADOPTED AS RESOLUTION R-300657

Stating for the record that Camino Ruiz Neighborhood Park is a subsequent discretionary approval of the Project addressed in Environmental Impact Report and therefore not a separate project under CEQA Guideline Sections 15060(c)(3) and 15378(c);

Stating for the record that the information contained in the final Environmental Impact Report, including any comments received during the public review process, has been previously reviewed and considered by the Hearing Officer and it is determined that this subsequent discretionary approval of Camino Ruiz Neighborhood Park does not involve change in circumstances, project changes, or new information of substantial importance which would warrant any additional environmental review.

CITY MANAGER SUPPORTING INFORMATION:

Camino Ruiz Neighborhood Park is located at the intersection of Camino Ruiz and Cristobal, between interstate 5 and 15 in the Mira Mesa Community Planning Area. On October 17, 2000, the City entered into an Agreement with Schmidt Design Group (Consultant) for professional services to design the General Development Plan for the Camino Ruiz Neighborhood Park with the assumption that a Negative Mitigation Declaration was needed. Upon further assessment by Development Services Department, it was determined that an Environmental Impact report was required. On October 29, 2001, the First Amendment to the Agreement was entered into by the City and the Consultant to increase the scope of work to include the preparation of an Environmental Impact Report. On November 3, 2002, the Second Amendment to the Agreement was entered into by the City and the Consultant to increase the scope of work to allow the Consultant to study and evaluate different design alternatives and provide a preferred alternative in response to the public input on the Environmental Document.

The project is in the construction phase, with a total project cost estimated to be \$7,640,174. The project construction was scheduled to be completed by the Spring of 2006; however, due to grading operation occurring in the winter and the heavy rainfall experienced, the construction will be completed in the Summer of 2006. A Third Amendment is being requested to the Agreement to provide for additional consultant construction administration to complete the project.

FISCAL IMPACT:

The original Agreement allows for a total of \$219,631 in consultant services. The First Amendment to the Agreement increased the total to \$364,684 (an increase of \$145,053), the Second Amendment to the Agreement increased the total to \$485,857.68 (an increase of \$121,173.68), and this Third Amendment to the Agreement will provide an additional \$20,086 in consultant services for a total agreement of \$505,943.68 which is 6.6% of the project which is, typical for this type of project of this size. Funds for this purpose, \$20,086, are available in CIP-29-756.0, Camino Ruiz Neighborhood Park, Fund No. 30244.

Herring/Oppenheim/AP

Aud. Cert. 2501018.

Staff: April Penner – (619) 525-8223
Shannon M. Thomas – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:25 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor-vacant.

- * ITEM-107: Lease Renewal Agreement with La Jolla Youth, Inc., for the Operation and Maintenance of a Youth Soccer and Youth Sports Facility.

(La Jolla Community Area. District 1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-6 Cor. Copy) TRAILED TO TUESDAY, JULY 19, 2005

Authorizing the City Manager, or designee, to execute for and on behalf of the City of San Diego, a 10-year lease agreement with three five-year options to extend with the La Jolla Youth, Inc., for the operation and maintenance of a youth soccer field and youth sports facility, at 3908 Torrey Pines Road in La Jolla, with an administrative fee of \$2,712.50 per year with an annual CPI adjustments, under the terms and conditions set forth in that lease agreement;

Waiving Council Policy 700-41 regarding the use of the RFP process for the lease of City-owned land.

CITY MANAGER SUPPORTING INFORMATION:

Since January 1979, La Jolla Youth, Inc. has leased and maintained a 6.41 acre parcel at 3908 Torrey Pines Road in La Jolla. The property is used for youth soccer and other youth sports and is currently improved with a small field house consisting of offices, a meeting room and locker rooms, turf for two soccer fields, an irrigation system and a parking lot for 24 vehicles. City Ordinance No. 0-15696 dated April 5, 1982, dedicated the property in perpetuity for park and recreational purposes. To address ongoing issues regarding insufficient parking and restroom facilities, La Jolla Youth, Inc. has agreed to construct additional parking and a comfort station on the property. La Jolla Youth, Inc. has proposed entering into a new lease for the property. The terms of the lease are as follows:

TERM: 10 years with three 5-year options to extend based upon a new development plan, approved by the City Manager, presented six months prior to each extension.

FEE: Annual administrative fee with an annual CPI adjustment. The fee for 2005 is \$2,712.50.

CAPITAL IMPROVEMENTS: One comfort station and additional parking during the initial term in accordance with the general development plan. Within 180 days after the commencement of the lease, the lessee must install a temporary restroom trailer on the property, which will remain until a comfort station has been constructed.

USES: Operation and maintenance of a youth soccer and other youth sports facility including organizing, training, conditioning, coaching, practicing, competing, observing, mentoring and promoting youth soccer.

SIZE: 6.41 acres.

This property is dedicated park and can only be used for park purposes unless the dedication is removed by a 2/3 vote of the electorate. If this were to occur, the fair market value of the unimproved land if available for highest and best private use (residential) was estimated by City staff as of April 26, 2005, to be \$16,000,000.

FISCAL IMPACT:

\$2,712.50 per year, subject to annual CPI adjustments, will be deposited into the General Fund.

Herring/Griffith/CLY

Staff: Craig Gibson – (619) 236-6727

Elisa A. Cusato – Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:25 p.m.)

CONSENT MOTION BY PETERS TO TRAIL TO TUESDAY, JULY 19, 2005.

Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor-vacant.

* ITEM-108: First Amendment to the Memorandum of Understanding between the City of San Diego and San Ysidro School District.

(San Ysidro Community Area. District 8.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1392) ADOPTED AS RESOLUTION R-300658

Authorizing the City Manager to enter into the First amendment to the Memorandum of Understanding between City of San Diego and San Ysidro School District, to increase the amount of ASEP grant funds to be transferred from SYSD to the City by \$73,825 for the operation of the “6 to 6” Program at six elementary schools in Council District 8, which when executed, shall be placed on file in the Office of the City Clerk;

Authorizing the City Auditor and Comptroller to accept the \$73,825 of additional ASEP grant funds awarded to the “6 to 6” Program;

Authorizing the City Manager to enter into amendments to the Fiscal Year 2005 agreements with existing “6 to 6” providers to expend the grant funds for operation of the “6 to 6” Program at six elementary schools in Council District 8, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to appropriate and expend the grant funds.

CITY MANAGER SUPPORTING INFORMATION:

Each year, State and Federal grant funds for San Diego’s “6 to 6” Extended School Day Program are passed on to the City of San Diego via a Memorandum of Understanding (MOU) with the San Ysidro School District (SYSD), for the City to administer and provide “6 to 6” Programs at SYSD elementary schools.

The 2004-2005 school year officially ends on June 30, 2005, which includes summer school. This action will pass \$73,825 of additional After School Education and Safety Program (ASESP) State grant funds from the SYSD to the City to cover both the regular school year and summer school. On June 24, 2005, the Superintendent of the San Ysidro School District approved the First Amendment to the MOU.

Six elementary schools in Council District 8 are earmarked for the additional grant funds: Beyer, La Mirada, Ocean View Hills, Smythe, Sunset, and Willow.

Oppenheim/Fischle-Faulk/JHD

Staff: June Dudas – (619) 236-6312
Michael D. Neumeyer – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:25 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor-vacant.

- * ITEM-109: Second and Third Amendments to the Agreement with the San Diego Unified School District to Extend the Term of the Agreement to August 31, 2005, for the Operation of the "6 to 6" Program.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1393) ADOPTED AS RESOLUTION R-300659

Authorizing the City Manager to enter into the Second Amendment to the Agreement between the San Diego Unified School District and the City of San Diego to extend the term of the Agreement to August 31, 2005;

Authorizing the City Manager to enter into the Third Amendment to the Agreement between the San Diego Unified School District and the City of San Diego to increase the amount of State of California Department of Education grant funds to be transferred to the City by \$828,782 (\$766,446 of ASEP grant funds, and \$62,336 of 21st CCLC grant funds) for the operation of the "6 to 6" Program through August 31, 2005;

Authorizing the City Auditor and Comptroller to accept the \$828,782 of additional ASEP and 21st CCLC grant funds awarded to the "6 to 6" Program;

Authorizing the City Manager, or his designee, to enter into amendments to the Fiscal Year 2005 agreements with existing "6 to 6" providers to expend the grant funds for operation of the "6 to 6" Program through August 31, 2005, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to appropriate and expend the grant funds;

That the additional grant funds for the "6 to 6" Program are contingent upon execution of the Second and Third Amendments to the Agreement between the San Diego Unified School District and the City of San Diego;

That the City Manager or his designee is authorized to enter into amendments to the Fiscal Year 2005 agreements with existing "6 to 6" providers to expend \$15,649 of City general funds for the operation of the "6 to 6" Program at three year-round elementary schools through July 21, 2005, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

That the City Auditor and Comptroller is authorized to appropriate and expend \$15,649 in City general funds for the operation of the "6 to 6" Program at three year-round elementary schools through July 21, 2005.

CITY MANAGER SUPPORTING INFORMATION:

Each year, State and Federal grant funds for San Diego's "6 to 6" Extended School Day Program are passed on to the City of San Diego via an Agreement with the San Diego Unified School District (SDUSD) for the City to administer and provide "6 to 6" Programs at SDUSD elementary and middle schools. The 2004-2005 school year officially ends on July 19, 2005, which includes summer school and year-round school tracks.

The "6 to 6" Program for the summertime period of service (July 1 through August 31, 2005) would typically be covered in the FY 2006 Agreement with SDUSD. However, because the final State Budget actions for the FY 2006 "6 to 6" Program grants have not yet been determined, SDUSD and the City have agreed to further amend the FY 2005 Agreement to ensure uninterrupted services to children.

On June 21, 2005, the Board of Education approved the Second Amendment to the Agreement, which extends the term of the Agreement to August 31, 2005.

The Board of Education is scheduled to take action on the Third Amendment on July 12, 2005. This Third Amendment increases the amount of grant funds to be transferred to the City by \$828,782 (\$766,446 of ASEP grant funds and \$62,336 of 21st CCLC grant funds) for the operation of San Diego's "6 to 6" Program through August 31, 2005. The present Council action is contingent upon approval of the Third Amendment by the Board of Education. The Second and Third Amendments will complete the 2004-2005 school year, including the summertime period of service (July 1 through August 31, 2005), for San Diego's "6 to 6" Program at 115 State grant-funded year-round schools and summer school sites.

The total additional grant funds transferred to the City for the term of July 1, 2005 through August 31, 2005, would be increased by \$828,782, bringing the total amount of the 2004-2005 school year funding transfer to \$17,585,113.

Lastly, the "6 to 6" Programs at three year-round elementary schools (Ericson - CD5; Jerabek - CD5; and Tierrasanta - CD7), which have been funded by the City in FY 2005, will require \$15,649 of City general funds to complete the Programs through July 21, 2005. These funds are already available from the "6 to 6" Program FY 2005 encumbrances.

Oppenheim/Cunningham/JHD

Staff: June Dudas – (619) 236-6312
Michael D. Neumeyer – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:25 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor-vacant.

- * ITEM-110: Two actions related to Amendment No. 6 to Agreement with Brown & Caldwell for PS 77A & 77B Rehabilitation Project and Amendment No. 4 to Consultant Agreement with HDR Engineering, Inc. for Construction Manager/Program Manager Services.

(Rancho Bernardo, San Pasqual, and Lake Hodges Community Areas. District 5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2005-1357) ADOPTED AS RESOLUTION R-300660

Authorizing the City Manager to execute Amendment No. 6 to the Agreement with Brown and Caldwell, Inc. (the Amendment) for continued services during construction and start-up for the Metropolitan Wastewater Department Pump

Station 77A and 77B Rehabilitation Project under the terms and conditions set forth in the Amendment;

Authorizing the expenditure of an amount not to exceed \$70,000 from Fund 41506 to provide funds for the Amendment;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

Subitem-B: (R-2005-1388) ADOPTED AS RESOLUTION R-300661

Authorizing the City Manager to execute Amendment No. 4 to the Agreement with HDR Engineering, Inc. for Construction Manager/Program Manager Services (the Amendment) for the Metropolitan Wastewater Department under the terms and conditions set forth in the Amendment;

Authorizing the expenditure of an amount not to exceed \$200,000 from Funds 41506, 41508, and 41509 to provide funds for the Amendment as determined by subsequent task orders provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for the expenditures are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

Sewer Pump Stations 77A and 77B Rehabilitation (SPS 77 A&B) is an on-going project, which commenced construction in December 2002. SPS 77A was last upgraded in 1984, and has since experienced numerous electrical and mechanical failures. These two stations work in tandem and must remain in operation during construction. If SPS 77A is shut-down or fails to operate for more than a few minutes, sewage is diverted to an open pond which has a capacity of approximately 24 hours. Exceeding the capacity of the pond would result in a discharge of sewage and industrial brine to the adjacent water body, Lake Hodges (a potable water reservoir).

Construction is running significantly longer than anticipated due to difficulties with the new switchgear and the new and existing pumps. Due to the added construction time, MWWD requests the approval of Amendment No. 6 to the existing design and services during construction and start-up contract with Brown and Caldwell, Inc., in the amount of \$70,000,

bringing the new contract total to \$2,421,569. Brown and Caldwell, Inc. is a corporation with 40 offices throughout the United States. The corporation's CEO is Craig Goehring, and the company is headquartered in Walnut Creek, CA.

Additionally, MWWD requests the approval of Amendment No. 4 to the existing multi-year, department-wide Program Management/Construction Management as-needed contract with HDR Engineering, Inc., in the amount of \$200,000, bringing the new contract total to \$13,266,635. Of the amended amount, \$196,600 will be used to complete the existing Task Order No. 4 for SPS 77 A&B. No further amendments to the contract with HDR Engineering, Inc. are anticipated at this time. HDR Engineering, Inc. is an employee-owned corporation with 85 offices throughout the United States. The corporation's CEO is Richard R. Bell, P.E., and the parent company is located in Omaha, NE.

FISCAL IMPACT:

The total cost of this action is \$270,000 of which \$200,000 is from Sewer Funds 41506, 41508, and 41509, and \$70,000 is available in Fund 41506, CIP-46-106.0, Annual Allocation Pump Station Restorations for Pump Stations 77A & 77B. This project is part of the existing capital improvement program and is not dependent upon future financing proceeds.

Mendes/Tulloch/CW

Aud. Cert. 2501108.

Staff: Craig Whittemore – (858) 292-6471
James W. Lancaster – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:25 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor-vacant.

* ITEM-111: Bayshore Bikeway Additional Grant Funds and First Amendment to Agreement with Kimley-Horn & Associates for Design and Environmental Services.

(Nestor Community Area. District 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1391) ADOPTED AS RESOLUTION R-300662

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend an amount not to exceed \$500,000 in Federal/Regional CMAQ funding for the purposes of engineering design and environmental analysis for CIP-58-140.0, Bayshore Bikeway Project, contingent upon receipt of an executed Finance Letter;

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2005 Capital Improvements Program budget by \$500,000 in CIP-58-140.0, Bayshore Bikeway Project, Fund 38683;

Authorizing the City Manager to execute the First Amendment to the agreement with Kimley-Horn & Associates for design and environmental services, under the terms and conditions set forth in the First Amendment, for an amount not to exceed \$407,970;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$407,970 from CIP-58-140.0, Bayshore Bikeway Project, Fund 38683, for the purpose of executing the First Amendment to the consultant agreement with Kimley-Horn & Associates, contingent upon the City Auditor and Comptroller certifying that funds are available;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

This project provides for a Class I bikepath in San Diego City limits from 13th Street, Imperial Beach, to Main Street, Chula Vista, which is a missing link in the Bayshore Bikeway path around San Diego Bay from Coronado to San Diego.

The project utilizes an existing berm along the north edge of the Otay River, and right-of-way (via license agreement with SDMTS) from the inoperative Coronado Branch Railroad line. The

proposed path, alignment bisects the South San Diego Bay Unit of the San Diego Bay National Wildlife Refuge and was incorporated in the original planning of the Refuge.

Kimley-Horn & Associates was hired to provide engineering and environmental services in the design of the bike path. Since they were hired in 2000, the scope of the State (CEQA) environmental document required has increased in complexity from a Mitigated Negative Declaration (MND) to an Environmental Impact Report (EIR), with focus on historical aspects. In addition, the scope of the Federal (NEPA) document has changed from a Categorical Exemption (CE) to an Environmental Assessment (EA). These increases in environmental document scope were imposed by Caltrans and FHWA based on the extensive discussions with stakeholder groups regarding the potential of impacts to historical resources and have increased the amount of consultant services needed for the project. The original consultant contract was for \$249,000 and this amendment will increase the contract by \$407,970 to a total contract of \$656,970. The acceptance of the additional Federal/Regional CMAQ funds will cover these additional costs. Barring additional increases in the scope, it is anticipated that this action would complete the design phase of the project.

FISCAL IMPACT:

The funds necessary for these actions are available from the Federal/Regional CMAQ program, Fund 38683. A separate action will be required to appropriate funding for the construction of the path. The total project cost is estimated at \$2,765,921, of which \$1,099,094 is for engineering cost and \$1,666,827 is for construction. The amount previously authorized is \$400,000, with \$500,000 requested in this action. A future authorization of \$1,865,921 will be requested for the construction and construction engineering services for the project.

Mendes/Boekamp/Zoumaras

Aud. Cert. 2501107.

Staff: Richard Leja – (619) 533-3764
Jeremy A. Jung – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:25 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor-vacant.

- * ITEM-112: One-Time Grant From the State of California Department of Education for San Diego's "6 to 6" Program at Faith Based Schools.

(City Heights, Barrio Logan, Lincoln Park, Southcrest, and Linda Vista Community Areas. Districts 3, 4, 6, and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1404) ADOPTED AS RESOLUTION R-300663

Authorizing the City Auditor and Comptroller to accept the one-time 21st CCLC grant funds awarded to San Diego's "6 to 6" Program, beginning July 1, 2004 through August 31, 2005;

Authorizing the City Manager to enter into agreements to expend the grant funds;

Authorizing the City Auditor and Comptroller to appropriate and expend the grant funds.

CITY MANAGER SUPPORTING INFORMATION:

San Diego's "6 to 6" Program operates at a total of 178 schools in Fiscal Year 2005, which includes six grant-funded faith based schools serving low income communities: Our Lady of the Sacred Heart (CD3); St. Rita's (CD4); Holy Family (CD6); Our Lady of Guadalupe (CD8); Our Lady of Angels (CD8); and St. Jude (CD8). Primary funding for these "6 to 6" sites comes from \$660,480 in 21st Century Community Learning Center (CCLC) grant funds administered by the State of California Department of Education.

We have recently been notified that the City has been awarded a one-time grant of \$8,940.82 for the "6 to 6" Program at these six faith based schools, which will be used for Program evaluation and other grant-requirement functions. All funds must be obligated by August 31, 2005, and an expenditure analysis is due to the California Department of Education by September 30, 2005. There is no match requirement.

Oppenheim/Fischle-Faulk/JHD

Staff: June Dudas – (619) 236-6312
Michael D. Neumeyer – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:25 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor-vacant.

* ITEM-113: International Family Justice Center Alliance.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1372) ADOPTED AS RESOLUTION R-300664

Declaring that the San Diego City Council is extraordinarily proud to announce the first International Family Justice Center Alliance with the Family Justice Centre Croydon located in the Borough of Croydon in London, England, United Kingdom.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:25 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor-vacant.

* ITEM-114: Father Brown Appreciation Day.

COUNCILMEMBER INZUNZA'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-21) ADOPTED AS RESOLUTION R-300665

Recognizing Father Brown's accomplishments and commending him for his leadership and immeasurable contributions to the community;

Proclaiming July 15, 2005, to be "Father Brown Appreciation Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:25 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor-vacant.

- * ITEM-115: Continued Multiple Species Conservation Program (MSCP) Property Acquisitions and Appraisals East Elliott and San Diego River

(East Elliott, Tierrasanta, and Mission Valley Community Areas. Districts 6 and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1397) ADOPTED AS RESOLUTION R-300666

Amending the Fiscal Year 2005 Capital Improvements Program Budget for CIP-37-443.0, Annual Allocation – MSCP Property Acquisition, Fund 10571, Habitat Acquisition, by increasing the budget amount by \$1,900,000;

Authorizing the appropriation and expenditure of an amount not to exceed \$1,900,000 from CIP-37-443.0, Multiple Species Conservation Program, Fund 10571, Habitat Acquisition, solely and exclusively for the purpose of providing funds for the purpose of land acquisition of property in the western portion of East Elliott in an amount not to exceed \$1,850,000 and for appraisals along the San Diego River in an amount not to exceed \$50,000;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The proposed action would transfer \$1,900,000 from the Habitat Acquisition Fund (#10571) to CIP-37-443.0 to continue acquisitions of open space property in the western portion of East Elliott, and conduct appraisals along the San Diego River. The Habitat Acquisition Fund was adopted on February 12, 1990 (R-275129) "for acquisition, maintenance, and administrative cost associated with the establishment of biological habitat preserves." Monies are deposited into the Habitat Acquisition Fund from development projects, where the area of impact is small, and mitigation on an individual project level would be onerous and not result in significant habitat acquisitions. Monies are accrued until sufficient funds are available to purchase significant parcels containing biological habitat. The economy-of-scale allows larger blocks of habitat to be acquired at a lower cost. Use of the Habitat Acquisition Fund for mitigation is allowed pursuant to the San Diego Municipal Code 143.0141(i)(3), and the process to use the fund is further described in the Land Development Manual Biology Guidelines III.B.1.b(2)(d).

Since November 2000, the City has received \$9.72 million dollars in state and federal grants (R-294300, R-297751, and R-298808) for the acquisition of habitat lands in the western half of East Elliott. All of the properties identified under the grant agreements have been appraised in conjunction with City and state standards for appraisals. The appraisals have been approved by both the City's Real Estate Assets Department and the State of California's General Services Department. Recent acquisitions, brings the total acquisitions to approximately 500 acres. Additional property is available for acquisition from willing sellers. The proposed action would allow \$1,850,000 from the Habitat Acquisition Fund to fund CIP-37-443.0, MSCP acquisition, for continued acquisition of open space properties in East Elliott as identified by the previous grants and adopted by Council Resolutions (R-294300, R-297751, and R-298808).

In addition, the proposed action would transfer \$50,000 into CIP-37-443.0 to appraise property along the San Diego River to identify opportunity for future acquisitions as part of the San Diego River Park.

FISCAL IMPACT:

A total of \$1,900,000 would be transferred from the Habitat Acquisition Fund (#10571) to CIP-37-443.0 for acquisitions of open space property.

Frazier/Goldberg/KAG

Aud. Cert. 2501061.

Staff: Keith Greer – (619) 236-7258
David Miller – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:25 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor-vacant.

* ITEM-116: Drainage Easement Vacation Within Lot 18 Block 2 of Lamont Terrace Map No. 2430

(Pacific Beach Community Area. District 2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1264) ADOPTED AS RESOLUTION R-300667

Vacating the drainage easement located within Lot 18, Block 2 of Lamont Terrace Map No. 2430, as more particularly described in the legal description marked as Exhibit "A," and as shown on Engineering Drawing No. 20333-B, marked as Exhibit "B," to unencumber this property and facilitate development of the site, under the procedure for the summary vacation of public service easements of the California Streets and Highways Code Section 8330 et seq. and San Diego Municipal Code Section 125.1001 et seq.;

Declaring the City Clerk shall cause a certified copy of this resolution, with attached exhibits, attested by him under seal, to be recorded in the office of the County Recorder.

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate an unneeded drainage easement within Lot 18 Block 2 of Lamont Terrace Map No. 2430 as shown on Engineering Drawing No. 20333-B. This site is located in the Pacific Beach Community Plan area, northeasterly of Academy Street and Chalcedony Street in Council District 2.

The drainage easement being vacated has never been used, and there is no anticipated or future use for the easement in its present location. The property owner wants to make improvements on this property, and the existing easement will preclude his being able to do so. The easement being vacated was acquired at no cost to the City and is over five years old.

Staff recommends approval of this action.

FISCAL IMPACT:

None.

Frazier/Halbert/GRB

Staff: G. Bollenbach – (619) 446-5417
David Miller – Deputy City Attorney

FILE LOCATION: DEED F-9918

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:25 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor-vacant.

* ITEM-117: Accepting Easement Deeds from the Regents of the University of California for the North Torrey Pines and Genesee Intersection.

(La Jolla Community Area. District 1)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2005-1401) ADOPTED AS RESOLUTION R-300668

Authorizing the City Manager, for and on behalf of the City of San Diego, to accept from the Regents of the University of California, the following easement deeds: Public Street Easement Deed depicted on City Engineer Drawings No. 19790-B, APN: 342-010-24, across that portion of Pueblo Lot 1323 of Misc. Map 36; Public Street Easement Deed depicted on City Engineer Drawings No. 19766-B, APN: 342-010-8, across that portion of Pueblo Lot 1323 of Misc. Map 36; Public Street Easement Deed depicted on City Engineer Drawings No. 19964-B, APN: 342-010-34, across that portion of Parcel 1 of Parcel Map 9813; Electrical Easement Deed depicted on City Engineer Drawings Nos. 19790-B, APN: 342-010-24, across that portion of Pueblo Lot 1323 of Misc. Map 36; Electrical Easement Deed depicted on City Engineer Drawings Nos. 19766-B, APN: 342-010-18, across that portion of Pueblo Lot 1323 of Misc. Map 36; and Water Easement Deed depicted on City Engineer Drawings Nos. 19790-B, APN: 342-010-24, across that portion of Pueblo Lot 1323 of Misc. Map 36;

Authorizing the City Manager, or his designee, for and on behalf of the City of San Diego, to execute quitclaim deeds conveying all the City's right, title, and interest in the excess right-of-way parcels in that portion of Pueblo Lot 1323 of Misc. Map 36 in the City of San Diego, as depicted on City Engineer Drawing No. 19894-B, to the Regents of the University of California, consistent with the Memorandum of Understanding between the City of San Diego and the Regents of the University of California, adopted by the City Council on May 3, 1993 and filed in the Office of the City Clerk as Document No. RR-281891-2.

Subitem-B: (R-2006-5)

ADOPTED AS RESOLUTION R-300669

Stating for the record that the City of San Diego's acceptance of certain easement deeds from the Regents of the University of California and the execution by the City of San Diego of quitclaim deeds to the Regents of the University of California is a subsequent discretionary approval of the Project addressed in Mitigated Negative Declaration LDR No. 92-0132 and therefore not a separate project under CEQA Guideline Sections 15060(c)(3) and 15378(c).

Stating for the record that the information contained in the final Mitigated Negative Declaration LDR No. 92-0132, including any comments received during the public review process, has been previously reviewed and considered by this Council and it is determined that this subsequent discretionary approval of the City of San Diego's acceptance of certain easement deeds from the Regents of the University of California and the execution by the City of San Diego of quitclaim deeds to the Regents of the University of California does not involve substantial

changes or new information of substantial importance which would warrant any additional environmental review.

CITY MANAGER SUPPORTING INFORMATION:

The North Torrey Pines and Genesee Intersection project involves street widening and installation of improvements to create the re-aligned intersection of two six-lane major streets. The project includes the installation of appropriate turn lanes, lighting systems, signalization subsystems, and landscaping.

In order to complete the project, an exchange of property rights is required, whereby the City of San Diego will acquire a 1.35-acre parcel from the Regents of the University of California ("Regents") in exchange for a 1.44-acre parcel of excess City right-of-way, which is to be quitclaimed to the Regents. Pursuant to that certain Memorandum of Understanding between the City and the Regents (Document No. RR-281891-2), adopted by the City Council May 3, 1993, it was agreed that the above-stated property rights exchange was to be completed without remuneration to either party.

This action will authorize the acceptance of the easement deeds for the required property from the Regents, and it will further authorize execution of the quitclaim deed for the rights to be granted to the Regents, to fulfill the agreed upon exchange of rights necessary for the public project.

FISCAL IMPACT:

None. The property rights required for completion of the project are to be exchanged for excess right-of-way, pursuant to the terms and conditions stated in that certain Memorandum of Understanding, adopted by the City Council on May 3, 1993, as Document No. RR-281891-2.

Herring/Griffith/DTY

Staff: Steve Geitz – (619) 236-6311
Elisa A. Cusato – Deputy City Attorney

FILE LOCATION: DEED F-9915

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:25 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor-vacant.

- * ITEM-118: Granting Easement to San Diego Gas and Electric Company for Underground Conversion of Electrical Transmission and Distribution Along the West Side of Al Bahr Drive of La Jolla Park Map No. 976.

(La Jolla Community Area. District 1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-1) ADOPTED AS RESOLUTION R-300670

Authorizing the City Manager to execute a deed conveying to San Diego Gas & Electric Company, an easement to be used for underground electrical transmission and distribution facilities and appurtenances and related purposes, along the west side of Al Bahr Drive coincident with the easterly boundary of Lots 4 and 5 in Block 79 of Villa Tract, La Jolla Park, according to Map No. 976, in the City and County of San Diego, State of California, as set forth in the easement deed with attached legal descriptions and maps on file in the Office of the City Clerk.

CITY MANAGER SUPPORTING INFORMATION:

As part of the utility undergrounding program (Council Policy 600-08), existing aboveground utility facilities will be relocated underground. In order to accomplish the relocation, San Diego Gas & Electric Company (SDG&E) has requested an easement for underground facilities and appurtenances. The easement will provide the necessary rights for SDG&E to relocate the overhead utility facilities underground. The total area of the easement is approximately 348 square feet.

The easement has been valued by City valuation staff at \$5,227.

Since this project is a California Public Utilities Code 20SD conversion, the cost of which is paid by the City, no compensation is requested for this easement. An Easement Processing Fee of \$1,590 has been charged.

FISCAL IMPACT:

Processing Fee of \$1,590 will be deposited to Fund 100.

Herring/Griffith/DSL

Staff: Steve Geitz – (619) 236-6311
Elisa A. Cusato – Deputy City Attorney

FILE LOCATION: DEED F-9916

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:25 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor-vacant.

* ITEM-119: Smythe Avenue Land Exchange.

(San Ysidro Community Area. District 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1395) ADOPTED AS RESOLUTION R-300671

Approving the acceptance by the City Manager, or his designee, of a grant deed executed in favor of the City of San Diego, conveying to the City of San Diego, a .51 acre parcel on the west side of Smythe Avenue, as more particularly described in the grant deed;

Authorizing the City Manager, or his designee, to execute a grant deed, conveying to Rio Vista, LLC, all of the City's right, title and interest in the 1.25 acre parcel on the east side of Smythe Avenue, as more particularly described in the grant deed;

Declaring that the additional-compensation sum of \$140,000 to be paid to the City of San Diego shall be deposited into the Capital Outlay Water Purpose Fund 30246;

Authorizing and directing the City Clerk to deliver both deeds, and a certified copy of this Resolution, attested by him/her under seal, to the Real Estate Assets Department for further handling.

CITY MANAGER SUPPORTING INFORMATION:

The 1.25 acre City owned parcel to be exchanged was acquired in 1962 as part of the San Ysidro Irrigation District Judgment No. 250446. City Council by Resolution No. 223035, dated March 12, 1979, designated this 1.25 acre parcel for sale. City Council by Resolution No. 268823, dated July 13, 1987, reaffirmed the designation of this site for sale.

Approval of the requested actions involving the exchange of lands between the City and Rio Vista, LLC will allow the City to acquire the .51 acre parcel valued at \$180,000 based on an appraisal prepared by Michael D. Keagy, MAI, dated November 1, 2004, to consolidate its real estate holdings on the west side of Smythe Avenue at Foothill Road, and will allow Rio Vista, LLC to acquire the 1.25 acre parcel valued at \$320,000 based on an appraisal prepared by Michael D. Keagy, MAI, dated November 1, 2004, to consolidate its real estate holdings on the east side of Smythe Avenue.

Due to the difference in value of the lands to be exchanged, Rio Vista, LLC will also pay the City the amount of \$140,000.

FISCAL IMPACT:

City owned parcel valued at \$320,000 to be exchanged for Rio Vista, LLC owned parcel valued at \$180,000 plus Rio Vista, LLC to pay the City the amount of \$140,000 to be deposited into Capital Outlay Water Purpose Fund 30246.

Herring/Griffith/TBP

Staff: Lane MacKenzie – (619) 236-6050
Debra J. Bevier – Deputy City Attorney

FILE LOCATION: DEED F-9917

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:25 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor-vacant.

* ITEM-120: Adjournment of July 26, 2005 City Council Meeting.

(See memorandum from Deputy Mayor Zucchet dated 6/30/2005.)

DEPUTY MAYOR ZUCCHET'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-30) ADOPTED AS RESOLUTION R-300672

Amending the schedule of meetings for the City Council and Standing Committees of the City Council for the period January 1, 2005 through December 31, 2005, a copy of which is on file in the Office of the City Clerk as Document No. RR-300005, to cancel the regularly scheduled City Council meeting of Tuesday, July 26, 2005.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:25 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor-vacant.

* ITEM-121: Excusing Councilmember Madaffer from the City Council and Closed Session Meetings of August 8 and 9, 2005.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-22) ADOPTED AS RESOLUTION R-300673

Excusing Councilmember Jim Madaffer from attending the regularly scheduled City Council and Closed Session Meetings on August 8 and 9, 2005.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:25 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor-vacant.

- * ITEM-122: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District 8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-1300) ADOPTED AS RESOLUTION R-300674

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L – State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:25 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor-vacant.

- * ITEM-123: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-1292) FAILED

Declaring a Continued Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV) for the purpose of implementing a one-year clean needle and syringe exchange program.

CITY MANAGER SUPPORTING INFORMATION:

California Health and Safety Code section 11364.7 (effective January 1, 2000) acknowledges the public health threat posed by the sharing of needles and syringes by injection drug users. The Code requires a local jurisdiction to declare a local emergency due to the existence of a critical local public health crisis in order to establish a clean needle and syringe exchange program. In order to permit development and implementation of a pilot clean needle and syringe exchange program, today's action continues the state of emergency first declared by the City Council on November 27, 2001.

FILE LOCATION: GEN'L – Local Health Emergency due to the spread of the Hepatitis C Virus (HIV)

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:25 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Failed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-nay, Frye-yea, Madaffer-nay, Inzunza-not present, Mayor-vacant.

* ITEM-124: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-1241) ADOPTED AS RESOLUTION R-300676

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

FILE LOCATION: GEN'L – State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:25 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor-vacant.

ITEM-150: Construction and Demolition (C&D) Debris Diversion Deposit Ordinance.

(See City Manager Report CMR-05-071.)

TODAY'S ACTION IS:

Introduce **either** Option 1 in Subitem A or Option 2 in Subitem B; and adopt the following resolution in Subitem C:

Option 1

Subitem-A: (O-2005-101) CONTINUED TO MONDAY, AUGUST 1, 2005

Introduction of an Ordinance amending Chapter 6, Article 6 of the San Diego Municipal Code by adding Division 6, Sections 66.0601, 66.0602, 66.0603, 66.0604, 66.0605, 66.0606, 66.0607, 66.0608, 66.0609, and 66.0610, all relating to the Diversion of Construction and Demolition Debris from Landfill Disposal.

This ordinance would require applicants for building permits and demolition/removal permits to post a refundable deposit and submit a waste management plan demonstrating how construction and demolition waste generated from the project will be diverted from landfill disposal. After final project inspection and timely submittal of satisfactory evidence that the waste has been properly diverted, the applicant would be eligible for a refund of the deposit in proportion to the diversion rate achieved for the project.

This ordinance shall take effect beginning on January 1, 2006, and initially requires the applicant to achieve a 25% diversion rate in order to be eligible for a full refund of the deposit. The required diversion rate will increase to 50% as of

July 1, 2006, and to 75% as of January 1, 2007, unless a certified recycling facility, which accepts mixed construction and demolition wastes, is not operating within the City at the given diversion rates on the rate increase dates specified above. In that case, diversion rate increases will take place after public notice that such a facility is available.

OR

Option 2

Subitem-B: (O-2005-143) CONTINUED TO MONDAY, AUGUST 1, 2005

Introduction of an Ordinance amending Chapter 6, Article 6 of the San Diego Municipal Code by adding Division 6, Sections 66.0601, 66.0602, 66.0603, 66.0604, 66.0605, 66.0606, 66.0607, 66.0608, 66.0609, and 66.0610, all relating to the Diversion of Construction and Demolition Debris from Landfill Disposal.

This alternative ordinance sets forth the same requirements as described in Option 1 above with the following exceptions:

The **alternative** ordinance shall take effect and **be in force on the thirtieth day after public notice that a certified recycling facility which accepts mixed construction and demolition waste is operating in the City at a 50% diversion rate.**

The alternative ordinance initially would require the applicant to achieve a 50% diversion rate in order to be eligible for a full refund of the deposit. That diversion rate would remain in effect for six months, after which time the diversion rate would increase to 75%, unless a certified recycling facility, which accepts mixed construction and demolition wastes, is not operating within the City at a 75% diversion rate at that time. In that case, the diversion rate increase will take place after public notice that such a facility is available.

Subitem-C: (R-2005-1288) CONTINUED TO MONDAY, AUGUST 1, 2005

Approving the modified deposit schedule for the City's Construction and Demolition Debris Diversion Program, attached hereto as Exhibit "A" and on file in the Office of the City Clerk;

Directing the City Manager to draft internal procedures to require the recycling of construction and demolition debris, as set forth in more detail in Manager's Report No. 05-071, on file in the Office of the City Clerk.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 4/13/2005, NR&C voted 4 to 0 to forward this ordinance to the City Council for their consideration with no recommendation from the Natural Resources and Culture Committee, and to direct the City Manager to bring forward to the Council an alternative ordinance that addresses the various concerns raised by the Committee members. (Councilmembers Young, Maienschein, Frye, and Madaffer voted yea.)

SUPPORTING INFORMATION:

On November 22, 2004, the City Council voted 7-0 to adopt a Construction and Demolition Material Recycling Policy and directed the City Manager to bring forward a mandatory construction and demolition recycling ordinance to the Natural Resources and Culture (NR&C) Committee. The Construction and Demolition (C&D) Debris Diversion Deposit Ordinance (Ordinance) was presented to the NR&C Committee on April 13, 2005. The Committee voted 4-0 to forward the Ordinance to the full City Council with no recommendation along with an alternative ordinance that includes modifications to the initially proposed ordinance based on direction from the Committee.

The Ordinance would provide an incentive to recycle or reuse C&D waste by requiring applicants for building and demolition permits to post a refundable deposit and submit a waste management plan demonstrating how C&D waste from the project will be diverted from landfill disposal. Upon submittal of documentation proving waste has been diverted, deposits would be returned to the applicants in proportion to the diversion achieved by the applicant.

An applicant could decide to forfeit the deposit in lieu of diverting waste. With certain exceptions (noted in Attachment I to City Manager's Report 05-071), the Ordinance would apply to all applicants for building and demolition permits beginning January 1, 2006. The project diversion rate would increase over time, beginning with a 25% diversion rate applicable to permits issued between January 1, 2006, and June 30, 2006, increasing to a 50% diversion rate on July 1, 2006, and increasing to a 75% diversion rate for permits issued after January 1, 2007. The diversion requirements would not increase to 50% or 75% until the City has given notice that a mixed C&D facility is operating in the City at that diversion rate.

The alternative ordinance differs in that the deposit requirements take effect thirty (30) days after a mixed C&D facility operating in the City at a 50% diversion rate has been certified; would require applicants to achieve a 50% diversion rate on the project in order to qualify for a full

refund; and would step up to a 75% diversion requirement seven months after a mixed C&D facility is certified at a 75% diversion rate.

In addition, the NR&C Committee asked staff to reduce costs on residential alterations. Staff responded to this request by increasing the minimum square footage subject to the ordinance and decreasing the maximum deposit for these projects. The NR&C Committee also asked staff to commit to returning refunds to qualified applicants within 30 days rather than 90 days. Both of these changes have been incorporated into the alternative Deposit Schedule.

In relation to internal City C&D recycling requirements, ESD is in on-going discussions with other City departments working together to minimize impacts to the other departments.

FISCAL IMPACT:

If the original Ordinance is adopted, the fiscal impact will be the same as noted in the City Manager's Report 05-071 attached. If the alternative ordinance is adopted, there will be no fiscal impact in FY 2005 or FY 2006 and the fiscal impact for subsequent fiscal years will be the same as noted for those years in the City Manager's Report.

Mendes/Heap/JO

Staff: Kip Sturdevan – (858) 573-1214
Grace C. Lowenberg – Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:25 p.m. – 2:27 p.m.)

MOTION BY MADAFFER TO CONTINUE TO MONDAY, AUGUST 1, 2005 FOR FURTHER REVIEW. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor-vacant.



[ITEM-151:](#) Award of Contract to Lease Options for Pumper Fire Apparatus per Bid 6735-05-Q-RFP.

(See City Manager Reports CMR-05-055; and CMR-05-154, this report was not available at the Committee).

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2006-2) INTRODUCED, TO BE ADOPTED ON MONDAY,
AUGUST 1, 2005

Introduction of an Ordinance authorizing the City Manager to execute, for and on behalf of the City of San Diego Fire-Rescue Department, a contract to KME Fire Apparatus, Ontario, California to lease Fifty Fire Apparatus over a seven-year contract period with seven additional one-year option periods, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer. The KME Fire Apparatus bid resulting from RFP 6735-05-Q is hereby accepted;

Declaring the sales tax payment for the first order of eight (8) apparatus payment due in Fiscal Year 2006 shall be charged \$220,000 from Fund #100, Department #120, Object Account #6029, and Activity #2252;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:**

On 3/2/2005, PS&NS voted 4 to 0 to approve the City Manager's recommendation. (Councilmembers Zucchet, Atkins, Young, and Madaffer voted yea. Councilmember Inzunza not present.)

Staff: Tina Yoke – (619) 236-7131
Tim Miller – Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:27 p.m. – 2:28 p.m.)

MOTION BY MADAFFER TO INTRODUCE. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor-vacant.



[ITEM-200:](#) Fiscal Year 2005-2006 Appropriation Ordinance.

(See City Manager Report CMR-05-159.)

CITY MANAGER'S RECOMMENDATION:

Hold the first public hearing of the ordinance.

(O-2006-) TRAILED TO TUESDAY, JULY 19, 2005

An ordinance adopting the Annual Budget for the Fiscal Year 2005-2006 and appropriating the necessary money to operate the City of San Diego for said Fiscal Year.

NOTE: Today's action is the first public hearing. See Item 338 on the docket of Tuesday, July 19, 2005, for the second public hearing and the introduction and adoption of the Ordinance.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:28 p.m. – 2:30 p.m.)

MOTION BY FRYE TO TRAIL TO TUESDAY, JULY 19, 2005. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor-vacant.



[ITEM-201:](#) Additional Payment of the Fiscal Year 2005 Retiree Health Care Balance.

CITY MANAGER'S RECOMMENDATION:

Hold the first public hearing of the ordinance:

(O-2006-3) TRAILED TO TUESDAY, JULY 19, 2005

An Ordinance amending Ordinance No. O-19301 (New Series) as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 2004-

2005 and Appropriating the Necessary Money to Operate the City of San Diego for Said Fiscal Year,” by increasing General Fund appropriations from projected franchise fee revenues in excess of estimates in an amount not to exceed \$318,186 of surplus General Fund revenue and increasing Non-General Fund department appropriations from fund balances or reserves in an amount not to exceed \$181,814 to fund the unfunded portion of the Fiscal Year 2005 retiree health care liability;

Authorizing and directing the City Auditor and Comptroller to transfer an amount not to exceed \$500,000 from the contributing funds to the Retiree Health Insurance Fund to cover retirement health care expenditures. The City Auditor and Comptroller is further authorized to reimburse the Retiree Health Insurance Fund in an amount not to exceed \$500,000 to cover retirement health care expenditures.

NOTE: Today’s action is the first public hearing. See Item 339 on the docket of Tuesday, July 19, 2005, for the second public hearing and the introduction and adoption of the Ordinance.

CITY MANAGER SUPPORTING INFORMATION:

The Mayor and City Council passed Ordinance O-19354 on February 1, 2005 which provided the following:

"Whereas, in City Manager's Report 04-218, dated September 30, 2004, the City Manager discussed support of the recommendation from the Pension Reform Committee that retiree health care costs no longer be funded in a manner that reduces assets of the retirement fund (Retirement Fund); and

Whereas, as indicated in City Manager's Report No. 05-023, dated January 21, 2005, based on current projections of monthly health care insurance premiums, the cost of retiree health care is estimated to be \$14.4 million for Fiscal Year 2005; and

Whereas, the balance in the 401(h) health care trust account will be exhausted by mid-January 2005 and an estimated \$6.5 million is needed to be covered by other sources for retiree health care costs; and

Whereas, pursuant to City Manager's Report No. 05-023, it is recommended that the \$6.5 million be paid by City departments proportionally based upon the number of retirement eligible employees; Now, Therefore,

Be it resolved, by the Council of the City of San Diego, that the City Auditor and Comptroller is authorized to: (i) increased General Fund appropriations from projected sales tax revenues in excess of estimates in an amount not to exceed \$4.1 million of surplus General Fund revenue and increase Non-General Fund department appropriations from fund balances or reserves in an amount not to exceed \$2.4 million to fund the unfunded portion of the Fiscal Year 2005 retiree health care liability; and (ii) transfer and amount not to exceed \$6.5 million from contributing funds to the Retirement Fund (as set forth in Attachment A to this Resolution) for the purpose of providing funds to cover retirement health care expenditures in excess of available amounts in the 401(h) account, as described in City Manager Report No. 05-023.

Be it Further Resolved, that the expenditure of an amount not to exceed \$6.5 million from the Retirement Fund is authorized for the purpose of providing funds to cover retirement health care expenditures."

Based on current information an additional \$500,000 will be needed to fully fund the retiree health care costs for Fiscal Year 2005. This is based on the actual amount of the June vendor payment and retiree reimbursements.

As indicated in the Fourth Quarter Adjustment City Manager's Report, revenue projections indicated at that time that an estimated \$300,000 of additional surplus General Fund revenue remained available after all year-end adjustments outlined in the report. This is the funding that will be applied to the General Fund's portion of the additional retiree health care payment.

If these monies are not approved to be appropriated and transferred to the Retiree Health Insurance Fund for reimbursement of retiree health care costs, an alternative funding source will need to be identified.

Ewell/Villa

Aud. Cert. 2501152.

Staff: Martin Kane – (619) 236-6070
Mark D. Blake – Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:30 p.m. – 2:31 p.m.)

MOTION BY MADAFFER TO TRAIL TO TUESDAY, JULY 19, 2005. Second by Frye. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor-vacant.



ITEM-202: Six actions related to Approval of Leases for the Convention and Performing Arts Center.

(See City Manager Report CMR-05-153. Center City Community Area. District 2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2005-1366) CONTINUED TO MONDAY, JULY 25, 2005

Authorizing the City Manager to execute, for and on behalf of the City of San Diego, a lease agreement between the City and Neighborhood Involvement Association, for the use of Golden Hall, meeting and conference rooms, and other specified portions of the San Diego Community Concourse for a period of five years with the option for five one-year extensions for the management, marketing, and operation of the Lease Premises at the Concourse as a public assembly venue for entertainment, sporting events, educational, community, convention performing arts, corporate, and civic activities at the base rental rate of \$130,000 per year (with the base rent for the first five years (\$650,000) paid in advance) plus percentage rent of five percent of gross income paid on a monthly basis, and on such other terms and conditions as are set forth in the proposed Lease Agreement.

Subitem-B: (R-2005-1367 Cor. Copy) CONTINUED TO MONDAY,
JULY 25, 2005

Authorizing the City Manager to rename the Municipal Parking Garage Operations Fund (Fund 10322) as the "Concourse and Parking Garages Operating Fund," and to reprogram the Fund for operation of the Concourse, the Evan P. Jones Parkade, and the parking garage for the World Trade Center building;

Authorizing the City Manager to redirect and deposit rent revenues from the CAB Deli and Downtown Johnny Brown's leases, currently deposited into Revenue Account No. 75602, to Fund 10322;

Authorizing the City Manager to establish a reserve for Fund 10322 in an amount up to \$550,000 for Fiscal Year 2006, and to determine the appropriate reserve amount for future fiscal years.

Subitem-C: (R-2005-1368) CONTINUED TO MONDAY, JULY 25, 2005

Authorizing the City Manager to expend an amount not to exceed \$500,000 from Fund 10322 for tenant improvements to Plaza Hall required to relocate the City's General Services Department, Print Shop operations to Plaza Hall, contingent upon the City Auditor and Comptroller certifying the availability of funds;

Declaring the City Manager shall direct repayment of this amount by the General Services Department, Print Shop to Fund 10322 in payments amortized over seven years.

Subitem-D: (R-2005-1369 Cor. Copy) CONTINUED TO MONDAY,
JULY 25, 2005

Authorizing the City Manager to execute, for and on behalf of the City, a lease agreement between the City and San Diego Civic Opera for use of the Copper Room located within the San Diego Community Concourse for a period of one year with the option for four one-year extensions and upon such other terms and conditions as are substantially set forth in the form of agreement attached to City Manager Report No. 05-153, dated July 13 2005.

Subitem-E: (R-2005-1371 Cor. Copy) CONTINUED TO MONDAY,
JULY 25, 2005

Authorizing the City Manager to execute, for and on behalf of the City, a lease agreement between the City and Vince and Claudia Paradise doing business as Paradise Cafe III, for the operation of a deli for a term of three years with the option of two one-year extensions at the rental rate of the greater of \$870 per month or 7% of gross revenue, and on such other terms and conditions as are substantially set forth in the form of lease agreement attached to City Manager Report No. 05-153, dated July 13, 2005.

Subitem-F: (R-2005-1370 Cor. Copy) CONTINUED TO MONDAY,
JULY 25, 2005

Authorizing the City Manager to execute, for and on behalf of the City, a concession agreement between the City and Vince and Claudia Paradise doing

business as Paradise Cafe II for the coffee cart concession in the outdoor plaza areas at the Civic Center Complex for a term of one year with the option of four one-year extensions at the rental rate of the greater of \$1,500 per month or 15 % of gross revenue, and on such other terms and conditions as are substantially set forth in the form of agreement attached to City Manager Report No. 05-153, dated July 13, 2005.

Staff: Chris Hargett – (619) 236-6766
Carrie L. Gleason – Chief Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:16 p.m. – 2:19 p.m.)

MOTION BY PETERS TO CONTINUE TO MONDAY, JULY 25, 2005 AT THE REQUEST OF THE CITY ATTORNEY FOR FURTHER REVIEW. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor-vacant.

ITEM-250: **Notice** of Pending Final Map Approval – On Florida.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “On Florida” (T.M. No. 113366/PTS No. 65947), located southeasterly of Cypress Avenue and Florida Street in the Greater North Park Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-251: Notice of Pending Final Map Approval – Black Mountain Ranch North Village Unit No. 1B.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Black Mountain Ranch North Village Unit No. 1B” (T.M. No. 40-0528/PTS No. 25054), located southwesterly of Kern Crescent and Reagan Glen in the Black Mountain Ranch Community Plan Area in Council District 1, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the

map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-252: Notice of Pending Final Map Approval - Black Mountain Ranch North Village Unit No. 1C.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled "Black Mountain Ranch North Village Unit No. 1C" (T.M. No. 40-0528/PTS No. 25052), located southeasterly of New Park Terrace and Parkside Crescent in the Black Mountain Ranch Community Plan Area in Council District 1, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-253: Notice of Pending Final Map Approval – Black Mountain Ranch North Village Unit No. 1E.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Black Mountain Ranch North Village Unit No. 1E” (T.M. No. 40-0528/PTS No. 25717), located northeasterly of New Park Terrace and Camino Del Sur in the Black Mountain Ranch Community Plan Area in Council District 1, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-254: Notice of Pending Final Map Approval – Mississippi Street Condominiums.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Mississippi Street Condominiums” (T.M. No. 137576/PTS No. 61663), located southwesterly of Mississippi Street and Polk Avenue in the Greater North Park Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

(1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.

(2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.

(3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-255: **Notice** of Settlement of Property Damage Claims of Kari Livingstone, Et al.

(R-2005-1318)

Adopted as Resolution R-300560 on June 20, 2005.

A Resolution approved by the City Council in Closed Session on Monday, June 20, 2005, by the following vote: Peters-yea; Zucchet-not present; Atkins-yea; Young-yea; Maienschein-not present; Frye-yea; Madaffer-yea; Inzunza-not present; Mayor-not present.

Authorizing the City Manager to pay the additional sum of \$264,539.61 in the settlement of each and every claim against the City of San Diego, its agents and employees, resulting from property damage claims of Kari Livingstone, et al. which occurred on October 14, 2004;

Authorizing the City Auditor and Comptroller to issue various checks in the amount up to, but not exceeding \$264,539.61 made payable to various claimants.

Aud. Cert. 2501067.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

ITEM-256: **Notice** of Settlement of Property Damage Claims of George Amancio and John Lane.

(R-2005-1309)

Adopted as Resolution R-300559 on June 20, 2005.

A Resolution approved by the City Council in Closed Session on Monday, June 20, 2005 by the following vote: Peters-yea; Zucchet-not present; Atkins-yea; Young-yea; Maienschein-not present; Frye-yea; Madaffer-yea; Inzunza-not present; Mayor-not present.

Authorizing the City Manager to pay the total sum of \$104,642.58 in the settlement of each and every claim against the City of San Diego, its agents and employees, resulting from property damage claims of George Amancio and John Lane which occurred on September 24, 2004;

Authorizing the City Auditor and Comptroller to issue one settlement check in the amount of \$54,465.90 made payable to Luth and Turley, Inc.

Aud. Cert. 2501060.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

ITEM-S400: Jacobs International Teen Leadership Institute Day.

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-43)

ADOPTED AS RESOLUTION R-300677

Proclaiming July 18, 2005, to be “Jacobs International Teen Leadership Institute Day” in the City of San Diego.

MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor-vacant.

(See memorandums from Rich Snapper dated July 7, 2005, and Stacey Fulhorst dated 6/24/2005.)

(O-2006-4) INTRODUCED, TO BE ADOPTED ON MONDAY,
AUGUST 1, 2005

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:25 p.m.)

CONSENT MOTION BY PETERS TO INTRODUCE. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor-vacant.

- * ITEM-S402: Accepting Bioterrorism Response Grant Funds and Agreement with the County of San Diego for the Bioterrorism Preparedness Activities.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-25) ADOPTED AS RESOLUTION R-300675

Authorizing the City Manager, the Deputy City Manager, or the Director of the Office of Homeland Security, to apply for, accept and expend grant funds from the County of San Diego Bioterrorism Response Grant as the City's authorized agent;

Authorizing the City Manager, the Deputy City Manager or the Director of the Office of Homeland Security, to take all necessary actions to secure the grants and to negotiate and execute all agreements necessary to comply with the Bioterrorism Preparedness Activities Agreement Between the County of San Diego and the City of San Diego.

CITY MANAGER SUPPORTING INFORMATION:

San Diego is the seventh largest city in the United States by population. It is the host for major military facilities, major sports venues and major convention facilities. San Diego is also a very desirable vacation destination. These same qualities make the City a potential target for bioterrorism. In the unlikely event of a bioterrorist attack, it may be necessary to quickly provide prophylaxis and/or vaccination for City emergency responders and residents of the City who are at risk.

This year, San Diego is fortunate to be one of 21 cities receiving special Cities Readiness Initiative (CRI) funding from the federal government. These funds are specifically intended to aid recipients to coordinate planning and implementation activities to increase capabilities for mass distribution of vaccine or antibiotic prophylaxis in an emergency. The federal CRI grant was awarded to County of San Diego Public Health Services (PHS). Accordingly, PHS intends

to proceed with a contract with the City for planning the distribution of Strategic National Stockpile (SNS) antibiotics/vaccines to City first responders and their families in an emergency. Key City staff will also be participating in the development and execution of a tabletop simulation. The City program will be used as a model for the entire urban area. This is a phased program.

Phase I is to plan effective protection of first responders to ensure continuing capability to respond to the emergency. Phase II will plan effective protection of residents and visitors. Under Homeland Security Presidential Directive 8, "First Responders" identifies 10 disciplines including fire, emergency medical services, hazardous materials response, law enforcement, public works, public safety communications, government/administration, emergency management, public health, and health care.

The City will receive up to \$110,000 to reimburse actual expenses in connection with this effort. The grant performance period ends August 30, 2005.

FISCAL IMPACT:

None. There is no match required for receipt of these funds. Only actual expenditures that are properly documented will be reimbursed with a cap of \$110,000. All anticipated activity falls within the cap.

Arellano/Ghio/WFN

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:25 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor-vacant.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

Junko Cushman as requested by Mayor Pro Tem Atkins.

COUNCIL ACTION: (Time duration: 2:51 p.m. – 2:53 p.m.)